

REPORT OF THE ALBANIAN HELSINKI COMMITTEE ON THE GENERAL ELECTIONS OF 24 JUNE 2001 IN ALBANIA

Introduction

Respecting and guaranteeing an electoral process in conformity with the constitutional principles and Electoral Code constitutes a primary responsibility for many state institutions. On the other hand, NGOs working in the field of human rights have the responsibility to monitor these elections. Albanian Helsinki Committee (AHC) a non-governmental organization with experience in monitoring elections in Albania, contributed not only in educating the voters but also monitored the whole electoral process of 24 June 2001.

The activists of the AHC monitored the electoral campaign and the elections' first and second round. This report is based on the information gathered by our monitors. It contains the AHC's assessment on the whole electoral process, the observed problems, conclusions, some suggestions for further improvement of the Electoral Code of the Republic of Albania and the elections' management.

AHC takes this opportunity to thank its monitors for their professionalism shown in their assignments. It also brings its acknowledgment to the Democracy Commission Small Grants, Public Affairs Section of the US Embassy in Tirana, for a special grant accorded to our Committee for monitoring these general elections.

OBSERVERS AND THEIR TRAINING

Identification and selections of the observers

AHC paid a considerable attention to the selections of the monitors for the general elections of the 24th of June 2001. There were 80 monitors involved out of whom 75 were long-term monitors and 5 were short-term monitors. For each main city¹ there was appointed one correspondent. Establishing a network of correspondents, which was a good experience from the local governmental elections of October 2000, was seen as very necessary because it facilitated the process of gathering information on a continuous basis on the latest developments of the electoral campaign and the electoral process in the respective cities. The coordination of this work was carried out by a young staff with experience in monitoring elections together with a legal adviser.

¹ The cities with correspondents were as follows: Tirana, Durrës, Korçë, Fier, Vlorë, Gjirokastrë, Sarandë, Lushnjë, Berat, Kavajë, Shijak, Shkodër, Krujë, Lezhë, Peshkopi, Elbasan, Ballsh, Pogradec.

Training the observers

On 2nd and 3rd May 2001 a training session with the AHC's monitors was carried out by AHC experts. The session aimed at providing the monitors with the necessary knowledge on the dispositions of the Electoral Code of the Republic of Albania, especially with the system of elections for the Assembly as well as with the instructions issued by the Central Election Commission (CEC). Another aspect of this training was to introduce to the monitors the methodology of all phases of monitoring of the electoral process. The monitors were equipped with materials such as the Electoral Code (EC), Manuals of the CEC regarding the reviewing of the preliminary lists, leaflets and other publications of the AHC prepared for elections². A separate session on the correspondent's assignments was organized with all the correspondents in the cities.

A very important event was the conference "Human Dimension" and the seminar organized by OSCE and ODIHR with participation of monitoring organizations in different countries in Europe which was held on 28-31 May 2001 in Poland. Representing AHC were the project leaders of the project on elections. This event served as an opportunity to exchange experience with different countries in this area and to make use of a unified monitoring methodology.

THE PRE-ELECTORAL PROCESS

Monitoring the pre-electoral process was extended in Tirana³ as well as in almost all the cities⁴ in Albania. The main objectives of monitoring was the establishment and the work of the electoral commissions such as CEC, Local Government Elections Commissions (LGEC), Zonal Election Commission (ZEC), the work performed by the groups verifying the preliminary lists, the electoral campaign of the political parties as well as written media monitoring.

The correspondents and the monitors handed over detailed information on the respectability of the law and the CEC instructions by the electoral structures mentioned above as well as problems with which they were faced such as the compilation of the preliminary lists, the registration of the candidates etc.

² Monitors have made use of questionnaires and instructions prepared by Albanian Institute for Elections' Development in cooperation with AHC, Association for Democratic Culture (ADC) and Albanian Group for Human Rights (AGHR). This was done under the care of the American Embassy and National Development Institution (NDI).

³ There were 5 monitoring groups which were set up in Tirana which carried out 3 monitoring missions of the pre-electoral process in different electoral zones.

⁴ The pre-electoral process was monitored in cities like Durrës, Korçë, Fier, Vlorë, Gjirokastër, Sarandë, Lushnjë, Berat, Kavajë, Shijak, Shkodër, Krujë, Lezhë, Peshkopi, Elbasan, Ballsh, Pogradec by the correspondents of these cities as well as by some monitoring groups sent from Tirana.

Establishing and Functioning of the Electoral Commissions

a) Central Election Commission

AHC monitored the activities of the CEC. Undoubtedly, CEC played an important role in preparing, following-up, organizing and developing the 24 June elections. CEC paid a special attention on implementing its competence, taking into consideration the criticism addressed to this body by the international organisms during the local government elections of last year. After the approval of the interior regulation, CEC issued important instructions and followed carefully the electoral process in all its phase.

Compilation of the voter's lists. Special care and preoccupation was shown by CEC regarding the compilation of the voter's preliminary lists. It can be said that a good work was done in verifying and facing data with the Register of the Registrar Office. However, there were cases of inaccuracies and absences in the voter's lists, but according to the data given by those voting centers monitored, the number of these cases was relatively small. There were no cases of manipulation regarding the lists, no additions or inaccuracies done on purpose. According to the statement made by CEC during elections of October 2000 there were 2329014 voters registered, whereas during the June elections 2001 there were 247944 voters registered. The difference of 168430 voters is explainable taking into consideration the circumstances in our country, shortcomings in infrastructure, very often demographic movements etc. It needs time to create an accurate and complete register.

The Transparency and Impartiality of the CEC. During the monitoring period the conclusion can be drawn that the attitudes and actions taken by CEC have been transparent and impartial. This was observed even in the investigation of the cases in the presence of the representatives of the political parties as well as native and foreign monitors. The documentation sent to the CEC was reviewed in open meetings and the decisions taken were made public. However, this was the phase when the coalition "Unity for Victory" accused the CEC for partiality and manipulation. The criticism addressed to the CEC was done on 1.07.2001 and in another case even by the representative of the Socialist Party.

Independent Candidates. One of the most acute moments for the CEC was that of the appearance of the independent candidates representing two political parties, that of the position and of the opposition who were respectively 19 and 93 candidates. It was clear that this was serving certain narrow political interests, therefore it was a political maneuver. This was discussed a lot prior of the candidates' registration. From the beginning it was the small political parties which reacted since their votes of the proportional system could be damaged.

In response to the above-mentioned reactions, in the beginning CEC issued the instruction that the number of the independent candidates from the two political parties should not surpass 20, but this was not a legal solution. Very late, only the day prior of the elections, CEC decided that all candidates registered as independent from both political parties would not be considered as such.

We are of the opinion that this issue could have been solved during the period of candidates' registration. Regarding this the following are some of the arguments:

First, ZEC, in accordance with article 2 point 4 of the EC which speaks about the independent candidate (who is not supported by any of the political parties) should have not permitted such registrations. In the meantime, CEC should have not approved the registration of such persons as independent candidates in the multi-name lists.

Second, such decisions of the ZEC could and should be appealed at the CEC. This could have forced the latter to take respective measures. We can say this because this problem could be prevented or at least its solution could have been quicker and legally based.

Third, it is worth mentioning that, some political parties required from the Constitutional Court to render invalid point 3 of article 87 of the EC which permits the electoral subjects to be voted even in those zones where there is not any of their candidates. This allows the political parties with a large electorate to register their candidates as independent in such electoral zones with the purpose to win more mandates at the multi-name lists. The constitutional court did give a negative consideration of this request reasoning that the EC has assigned the electoral commissions to check the enforcement of the law regarding the electoral process.

b) Local Government Elections Commissions (LGEC)

The LGECs, as it is envisaged in the EC and in the CEC instructions worked with the preliminary lists until the moment they were handed over to the ZECs within the time limits determined by the law. In fact, the work on the reviewing the lists have been intensive. While monitoring this process there are observed few cases of disagreements among the members of LGECs which were often not grounded in the law but were inspired by political instructions⁵. Nevertheless, the meetings in general have been open and the decisions taken have been in conformity with the law almost in all the commissions monitored.

Besides the LGEC, three-member groups were also set up in order to review the lists. These groups in conformity with the CEC instructions consisted of representatives of position, opposition and employees of the registrar office. At the centers monitored there were complaints from citizens and political parties in cases of name absences, wrong personnel data, registration of the dead people, name duplications etc. After a long period of list reviewing there have been few voters who did not find their names after 31 May 2001. Based on the observation of the correspondents and monitors, the majority of these voters have been able to find their names in the lists, although sometimes in different lists from those of October 2000 elections. Even the promulgation of the preliminary and final lists, have taken place within the foreseen time limits in the majority of the cases, although there have been exceptions⁶.

c) Zonal Elections Commissions (ZECs)

According to the law No.8746, dated on 28.02.2001 "On settling the Electoral Zones" the territory of Albania was divided in 100 one-name electoral zones. In each of these zones a

⁵ The LGEC of Elbasan city.

⁶ In the electoral zone No. 61 in Lushnje these lists have been promulgated with delays.

ZEC was established. This commission was responsible for the development of the general elections within its electoral zones. Our monitors observed the following:

- The deadlines for setting up such commissions, its composition and assignments have been in conformity with the EC in almost all the territory of Albania. However there have been sporadic cases of delays in establishing the ZEC as a result of the delays created by political parties in the process of proposing their members⁷. Meeting the assigned criteria in the law, the secretaries of the ZECs selected were jurists by profession in all the ZECs which were monitored.
- Article 32/6 determines that the member of the ZEC should live in that respective zone. In most of the cases, this criterion has been met, but there have been cases where this criterion has not been respected. In cases of complaints, the problem has been verified and it has been solved in conformity with the law⁸.
- Something which has been typical in the work of the ZECs has been the changes of the ZEC members as well as their continuous absences. These have often had consequences on the continuity and the progress of the performance of the ZEC as well as the electoral process in the respective zone⁹.
- The ZECs, which have been monitored, have carefully reviewed the documentation related to the candidates for deputies. The papers which have been found with insignificant shortcomings have been sent back to be further completed within the foreseen time limits and in accordance with the legal provisions. In some zones, these have been cases where the documents have been rejected because of not being in conformity with the law's requirements or in cases of falsification¹⁰. In general, there have been no complaints from the candidates whose papers have been rejected¹¹.
- ZECs have reviewed all the cases of the electoral zones delimitation and voting of centers locations within the time limits. The cases of the private premises which would be used for voting centers were considered carefully. However due to objective reasons and within the limits that the law permits such cases are approved. In cases when the voting centers location was far from the inhabited zone, ZEC has changed its locations so that they could be easily reached by the voters¹².
- During the pre-electoral phase, there have been complaints from voters submitted to ZEC. They had their names in voting centers different from the one of the local government elections of October 2001. Sometimes these voting centers were far

⁷ For ex. in the electoral zone No. 5 in Shkodër.

⁸ The electoral zone in Vlore, electoral zone no. 73 Berat.

⁹ In one electoral zone Peshkopi, in Tirana the electoral zone no. 41, the appointed members of the Party of the Human Rights Unity have been often changed. These changes have often brought disagreements among commissioners and interruptions in their work even during the elections' day. These changes have influenced the decision making as well.

¹⁰ In the electoral zone no. 36, there were three candidates whose papers were not accepted at the beginning because they were falsified.

¹¹ In the electoral zone No. 64 in Fier, the documents of the candidates of the Monarchist Party were not accepted because he did not fulfill the requirements set in the law. The complaint was submitted to CEC which rejected it.

¹² In the voting center no. 54 in Elbasan, the voting center was 3 km. away from the voters' domicile.

from their locations. Other complaints were related to the fact that the members of the same family were registered in different voting centers.

d) The Voting Center Commission (VCCs)

A part of the VCCs were set up very late due to the delays of the political parties in sending the lists of the members of the VCCs. As a consequence their legal training was not sufficient which was reflected in cases when they did not enforce correctly the law during the electoral process¹³. Even in these commissions there were changes which were conditioned by different factors, but mainly for disagreements of a political character. Shortcomings of this nature were observed in ZECs as well.

Trainings of the Electoral Commissions

Members of the electoral commissions were not necessarily jurists therefore them being equipped with knowledge on the Electoral Code and CEC instructions was a necessity. Although there was some training which took place, they were insufficient. In many cases the trainings have been only 2-3 hours long. More trainings have been carried with ZEC and very few with VCCs. This was seen in their performance in their work.

Infrastructure

Problems have been observed related to the infrastructure of the premises of the ZEC and VCC. Such kinds of problems have been obvious in the remote zones. Lacks in computers, faxes and in some cases in telephones were observed in ZECs. These have led to difficulties in the commissions work lack of coordination with CEC and other delays in materials dissemination¹⁴.

Abandoning the assignments by members of Elections Commissions

Speaking from the experience of the October Elections, it has been observed that in certain cases commissioners resigned from their job without having legal reasons for doing. They had often been influenced by their respective political parties in taking such decisions. Although the CEC condemns such actions and foresees measures towards commissioners, it did not react towards this phenomenon. As a result, such a phenomenon was observed in a number of commissions observed thus infringing this way article 141 of the EC. In some electoral zones in Kruje or Lushnje the elections commission's members with their attitudes have violated the normal developments of the electoral process which in some cases have amount to the interruption of the voting process. Although late, CEC should be

¹³ In the Voting Center no. 72, electoral zone 41 the member of the commission was changed in the morning of 24th June resulting in the interruption of the voting process.

¹⁴ The LGECS in Peshkopi, some ZEC in cities like Peshkopi, Berat, Fier, Tirana were located in non-appropriate premises where there were lacks in equipments such as computers telephones etc. In Sarandë our correspondent reported for lack in necessary materials for members of the commissions such as EC, CEC manuals and instructions. This has made their work difficult.

commended for measures taken in this respect, thus enforcing the respective sanctions envisaged in the EC¹⁵.

In closing, related to the reestablishment, functioning and the activities of the above – mentioned commissions we can say that :

1. The LGECs were not re-established within the foreseen time limits as foreseen in Article 38 point 11 of the EC. According to the law these commissions should be re-established not later than one month after the promulgation of the final results of the local governments elections by CEC. In addition to other arguments this was so because of the fact that CEC was the target of criticism (requests for recognition) and thus it was not engaged in enforcing this disposition.

2. Other commissions such as ZEC and VCC were also set up with delays, even without a full composition. This happened due to lack of responsibility of seven political parties which have won more votes on a country level during the elections for the Assembly of 1997.

3. The political parties that had the right of proposition aimed at proposing their militants/activists. They neglected or avoided the fact that commission's members should strictly enforce the law without being influenced by their respective political parties. It is due to this reason that some disagreements were observed in some commissions which led to the infringement of the law. This was accompanied with irregularities of keeping in order the minutes, no records of complaints, delays in sending the materials at the conclusions of voting to ZEC and the latter to the CEC etc.

4. Despite of the care shown by the CEC due to the above-mentioned reasons, the trainings which were carried out did not affect to the extend required the professional preparation of the commissions' members. The most obvious shortcomings in this aspect were observed in the Voting Center Commissions.

2- The Campaign of the Political Parties

Generally speaking, the political parties developed a calm electoral campaign. In few cases, some irritating tones were observed during the electoral meetings. The AHC's correspondents have reported even single and isolated incidents regarding which AHC has reacted¹⁶. During the electoral campaign of the second round there have been observed harsh tones as well as a grave terrorist act in the city of Lushnje¹⁷. Sometimes these incidents have taken place due to some propagandistic materials. In general, the meetings of the candidates with their respective electorate have been calm. In most of the cases the meetings have taken place indoors especially the meetings of the small political parties. During these meetings there have been cases where the candidates have made promises in contrary with the law or speaking on behalf of the international organisms¹⁸.

¹⁵ There are cases of fines and reporting at the Prosecution's Office.

¹⁶ See the statements of AHC dated on 05.06.2001 and 19.06.2001 attached to this report.

¹⁷ See AHC's statement of date 05.07.2001.

¹⁸ See the statement of date 13.06.2001.

Monitoring the Electoral Process during the Elections' Day on 24 June 2001 and the Second Round on 8 July 2001

The Electoral Process on 24 June 2001

AHC monitored 52 electoral zones in 17 main cities of Albania, apart from Tirana. In this monitoring round the following cities were included: Durrës, Korçë, Fier, Vlorë, Gjirokastrë, Sarandë, Kukës, Librazhd, Himarë, Lushnjë, Berat, Kavajë, Shkodër, Lezhë, Peshkopi, Elbasan, Pogradec. Especially in Tirana, our monitors have been present in 11 main zones of the city. In 75 voting centers, monitoring began one hour prior of the opening of the polls and continued throughout the process until getting the final results. During the day they monitored the voting procedures in 4-5 other voting centers in those electoral zones where they were assigned. Monitors were provided with the tables of results at the voting centers where they were present during votes enumeration.

Our correspondents and monitors continued their monitoring at ZECs in the respective cities in order to observe the procedures of materials delivery and getting the final results for each ZEC.

Based on the reports received from the monitoring groups dated on 24. 06. 2001 the following conclusion is reached: **The Elections of 24 June 2001 generally took place in a correct atmosphere and that voters exercised freely their right to vote. The forces of order have fulfilled with seriousness their responsibilities.**

Our monitors paid special attention to special aspects of the voting process during their monitoring. They observed problems of technical character which should be recognized and not be repeated.

Voting Premises

In general, the voting centers were placed in public buildings with entrances which were easy to reach. This way the requirements of article 92 of the EC have been met. In cases when it was impossible to find public premises some voting centers were placed in private premises with the respective authorization of CEC. Our monitors observed that some voting centers were set up in special places such as in prisons, health institutions. In general the premises were appropriate in the cities whereas in some villages some voting centers were not placed in adequate premises, thus not making possible the functioning of the polling booths¹⁹.

Propagandistic Materials

In general the law about removing propagandistic materials on the voting day has been respected. There are exceptions to these cases as well. For ex. in Durrës in the electoral zone no. 29 the presence of posters at the entrance of the building was observed near the premises of two voting centers. In addition, in Korçë our correspondent reported a case when they have not removed the posters of one of the candidates for deputy. We also

¹⁹ This was a situation encountered in electoral zones of Shkodër.

reported that the candidate's electoral team continued their propaganda near the premises of some voting centers in the zone where he was a candidate.

Opening of the Polls

The voting process was generally calm and began at the appointed time as it was foreseen in the law. There have been exceptions which have come as a consequence of technical problems or as a result of disagreements between members of the commission²⁰. Therefore, in some voting centers as in that of no. 20, the electoral zone no. 11 Kukës, the voting center was opened at 12:00 o'clock. On the other hand, there have been cases when the voting centers were opened at 07:00 o'clock considering the opinion of the members first. Opening the polls earlier than the appointed time was explained that all the preparatory procedures had finished and voters were waiting outside the voting center since 06:00²¹.

Another phenomenon faced in some voting centers was the infringement of the instructions given by CEC. In the electoral zone No. 60 in Lushnje, the voting process did not take place at all and our monitor only at noon could contact some members of the ZEC. The CEC gave also a statement regarding this zone. In the voting center No. 14 of the electoral zone no. 222 in Krujë, the voting center was not opened due to the disagreements between members of the commission, although they were consulted very often with their respective ZEC.

Despite of all these, the situation in general as well as the opening hours were respected and were in accordance with the CEC.

Voting Process

Based on the information received from our correspondents and the reports of our monitors, the conclusion is drawn that the voting process has had calm developments without serious problems with the exception of some sporadic cases of short interruptions. The latter has come as a result of very often changes in the body of the commissioners especially the secretaries of the VCC or due to their different claims²². Such is the case of the voting center no. 272 in the electoral zone no. 71 Tirana, where CEC had issued two different decisions regarding the secretary appointment. Due to this reason the process was interrupted for 45 minutes and after the consultation with members of the ZEC a solution to this problem was offered and the voting process continued regularly afterwards.

²⁰ In the electoral zone 36, the voting center no. 126 and 12, the voting process has not started up to 09:00 o'clock because it was claimed that there is no correspondence between the number of the voting center with the stamp code. After the verifications done everything was in order and the process went normally. A similar situation was that of the ZEC no. 41 in the voting center 277-279 where the voting started around 09:00 due to disagreements related to the appointment of the secretaries of the voting centers. Afterwards, the problems were settled and the process continued normally.

²¹ Such was the case of voting center no. 12 and 13, of the electoral zone 22 in Krujë.

²² In electoral zone No. 1, voting center 14, Gura e Mirë Commune, (Vrak) there have been interruptions in the voting process from 10:30 – 12:10, because the representative of the Party of Democratic Alliance claimed that two pages from the voters' lists were taken away.

Apart from the above-mentioned problems, the fact that commissioners were not trained in accordance with law requirements was another serious problem. Due to this the majority of commissioners were not well informed on the voting procedures.

Voters and the Voting Process

Voters have voted quietly at the voting centers. In some cases there have been queuing, but there have not been cases of pressure exercised on them in the voting process. In some electoral zones, especially in rural zones, lack of knowledge regarding the voting procedures was observed among voters. This has led to delays or unnecessary gathering at the voting centers.

Many cases we observed of voters who have asked other person's assistance in order to vote. In addition there were cases when declarations were not signed as required by the law. Very often voters voted in couples or as a family. There were also cases when voters were gathered at the same time in the polling booth.

Closing of the Polls

The voting centers have respected the closing time assigned by law. The monitors of AHC have been present in ballot's enumeration. In the majority of the zones the process of enumeration has been in conformity with the law. The results tables have been signed by all members in all zones monitored. However, in some centers tension among commissioners was felt. There have been cases like that in one voting center in the electoral zone of Durrës where commissioners did not sign the minutes.

During the ballot enumeration process, irregularities have been observed in classifying ballots as invalid. As a consequence of receiving no sufficient instructions, members of the commissions in some voting centers with or without consensus have considered as invalid many ballots only because the sign was not placed within the small squares though the voter's will was very clearly indicated. This was an issue raised by our correspondents and monitors in some voting centers. Regarding this issue, AHC recommended CEC to issue respective instructions in order for this not to be repeated during the second round on 8 July 2001.

Minorities

Our monitors were present even in zones where minorities are situated. The monitors in Lower Dropull in the electoral zone no. 89 and in the north of Albania electoral zone no. 1 in Malësi e Madhe have observed that the electoral process took place under calm circumstances with some small technical problems as in other electoral zones of Albania.

As a conclusion we can state that:

1. There is a positive progress in the voting process, which is characterized by an increase of calmness and a sense of culture among voters. The irregularities

observed were few and they could not infringe the regular and democratic process which took place in Albania.

2. AHC notices that there is a lot of work to be done towards international standards. Our Committee emphasizes the fact that members of the CVVs need further training to be given to the voters regarding ways of voting.

MONITORING THE SECOND ROUND OF ELECTIONS

During the second round of elections for the Assembly took place on 8 July 2001. AHC involved 45 of its monitors who followed closely the voting process in 35 electoral zones all over Albania starting with zone 2 and 4 in Shkodër up to the electoral zone no. 99 and 100 in Sarandë. There were 135 voting centers which were monitored all over the country.

Monitoring was focused on the voting procedures following with the procedures of ballots enumerations and getting the results of each voting center. In addition, our monitors and correspondents were present at the ZEC during the procedures of materials deliverance by VCCs.

As during the first round elections were held in a calm situation. In majority of the zones monitored the electoral process was in conformity with the law. Only in some voting centers the elections were not held due to different reasons, a part of which were related to the commissioners. There have been cases of disagreements among commissioners, which sometimes have led to delays in starting the voting process such as the case in the voting center no. 85. It was a conflict about how the commissioners should be placed at the table. The voting process began after 09:00 o'clock despite of the fact that there have been voters who were waiting out of the voting center. Or the case of partial interruption in the electoral zone 66, voting center no. 6 of Strum commune.

Based on the information received from the monitors we can state:

1. The Elections Commissions.

The great number of rounds, required a serious engagement of the elections commissions all over Albania regarding law enforcement. In order to overcome obstacles, the shortcomings verified by ZECs and VCCs during the first round of elections, thus guaranteeing a normal functioning the second round, a number of commissioners who openly violated EC dispositions and CEC instructions were brought to face legal charges. However, our monitors have observed purposeful negligence of commissioners to fulfill their legal responsibilities.

2. Media Monitoring during the Electoral Process

During the electoral process AHC was also involved in monitoring the written and electronic media. It should be pointed out that compared to the previous year the written and electronic media was more active. It has provided the public with continuous and sufficient information. There have been four areas where the information was focused:

a) voters' list, b) the issue of independent candidate, c) the electoral campaign, d) the second round of elections.

Based on the information given in the media, with the exception of some isolated incidents, the media covered an electoral process which was normally developed. The written media and the private and state TV channels covered the activities of the CEC as well as the debate about the independent candidates. Regarding the legal education of the public was insufficient with the exception of some TV programs covered by the written media. Another phenomenon which got a serious place in the written and electronic media was that of articles written in a harsh language by political leaders or by some candidates for deputies. This happened especially during the second round of elections.

During these elections as in the previous ones the political press could not avoid the strong influence from their respective parties as well as their partiality. Such cases were TV programs in TVShijak, ATN and partly in the Albanian State Radio and TV channel.

3. Commissioners Getting Knowledge on the Law. Based on the information received by monitors it results that some members of the ZECs and especially some members of VCCs as during the first round have allowed some cases of disrespecting the procedures of voting due to lack of sufficient knowledge on the law and the CEC instructions.

More concretely:

- *Submitting no Identification Document (ID).* There have been cases when voters have not submitted their IDs. That which has been alarming has been the fact that in some voting centers voters are allowed to vote without being equipped with any ID. Such has been the case in the electoral zone No. 75 Kutalli, in the voting center No. 6 of the electoral zone 66, Gjeqar. Commissioners in violation of article 97/2 have decided with a majority of votes to allow persons without ID to vote in cases they knew the voter from before. In addition, in zones No. 2 voting center No. 10 in Vilëz village, Postribë commune, commissioners have decided that the inhabitants of this village could vote for their family members as well. According to our monitors this was so due to two factors. First, a part of their family members were isolated because of blood feud, and second, it was due to certain patriarchal traditions (the man votes for the woman). These cases were obvious in this zone.

In some voting centers such as Voting Center No. 127 and No. 127/1 the electoral zone 36 Tirana, Voting Center 3/1 zone 89 Gjirokastër etc the military were not allowed to vote with their military ID until the late hours of afternoon. Regarding this case, AHC has notified CEC since the first hours of the voting process. And due to our intervention CEC has issued a special instruction which allowed these category of voters to vote.

- *The secrecy of Voting.* During the second round there were cases of voting as a family in different cities of Albania as in the first round. In almost all the cases our monitors have

addressed their remarks to the commissioners in the written form, however the reactions the body of commissioners have been few.

- *Non-compilation of the declaration* in cases foreseen in article 100 of the Electoral Code is observed in all the voting centers monitored.
- *Votes enumeration.* The members of the commissions did not take into account article 106/3 of the EC where clarifications on classifying ballots as invalid were given. During votes enumeration cases of law violation have been observed especially regarding the criteria of considering the ballot invalid. Although this issue was raised during the first round, it was still an issue in certain zones though fewer in number compared to the first round.
- *Changes in commissioners.* Compared to the first round changes in commissioners were fewer in number. Only in one voting center in the electoral zone No. 60 the head of the commission was changed during the morning of the 8th of July, for whom there was not any contest.

The issue of disagreements among the commissioners was raised during the second round as well in some voting centers. This led to delays in starting the voting process (for ex. in the voting center No. 85 the voting process started after 09:00 o'clock despite of the fact that people were waiting out of the voting center) or in partial interruption of this process (EZ 66, VC no. 6 Strum commune). In some cases these disagreements have led to total interruption of the voting process such as the case of EZ 66 Ruzhdije commune where voting was interrupted for one hour. It was a physical clash between the representative of the Socialist Party and that of the Party of Legalist League because the latter tended to place 4 completed ballots in the polling box. In this center the assistance of the police forces have been required. This repeated issue of disagreements is due to the fact that commissioners have been under the political influence of their respective parties.

Elections were not held in the EZ 86 Devoll and a number of voting centers in Zones 2, 22 Krujë, EZ 4 Velipojë because commissioners were not present or because of their disagreements during the process of receiving or disseminating the voting materials in some of these zones.

5. ZECs and VCCs in some cases were not clear on the rights of the native or foreign monitors such as their right to be present during the voting process as well as during the closing of the polls and equipping them with the results tables, the right to address written criticism to the commissioners in cases of irregularities etc. On 8 July some of our monitors were not let to monitor the voting process or the work of the ZEC by either the commissioners or the police forces. For ex. our correspondent in Durrës in Electoral Zone (EZ) 28 was stopped by the police forces and not allowed to enter the voting center in Bregu i Lumit. The pretext was to verify her authorization given by CEC. At the same time our monitor in Zone 2 in Shkodër was not allowed to enter the ZEC by the deputy of the commission in order to be present at the moment of receiving materials from VCCs of that zone. Another case was that of the monitor in Shijak where he was not allowed to enter the voting center. He was obliged to go and get permission by the ZEC. Whereas one zone 4 of

our monitors were not allowed to enter voting centers given the justification that their authorizations given by the CEC, although long-term, were not valid for the elections of 8 July. According to them the authorizations were valid only for the first round. They were allowed to monitor only after AHC reacted and the CEC intervened.

Concluding we can state that: Apart from the isolated cases mentioned above, and based on the reports and information received by our monitors it is observed that the electoral process took place in a calm and peaceful atmosphere in the majority of the zones monitored such as Pukë, Mirditë, Vlorë, Himarë, Fier, Elbasan, in EZ 30 Vorë, Korçë, EZ 12 Torovicë in Lezhë, Berat, Lushnjë, Kukës etc. During the second round a low percentage of voters exercised their right to vote. It amounts to 30-35% all over the country. In general, the voting commissions followed correctly the procedures of voting and the monitors emphasized the positive developments in this direction although there were cases of shortcomings in the work of the commissioners. The tensions observed had more an artificial nature which have not influenced the voting process of 8 July 2001.

The police forces during the electoral process

During the voting day, the forces of order have been present near the voting centers thus respecting the law and guaranteeing a normal development of the voting process. In some cases, police forces have been obliged to intervene when certain persons have violated the law.

For ex. the police forces have acted in conformity with the law in one case in the electoral zone no. 95 in Vlorë while they stopped two persons who were found with 40 empty ballots near school "Ali Demi".

Something which was observed during the second round was a considerable number of police forces encountered in some zones. In two cases such as in Shijak and Durrës our monitors were allowed to enter the voting centers only after a documentation checked by the police.

Concluding, we can state that generally in all zones monitored by AHC, police forces fulfilled their duties in conformity with the law, guaranteeing the normal developments of the electoral process. Cases when these forces surpassed their competences were isolated ones and did not infringe the integrity of the elections.

Some Problems of Legal Character

As we all know on 8 May 2000, the Assembly of Albania approved the Electoral Code of the Republic of Albania. This code was considered as a contemporary law by native and foreign experts. This code would positively influence the developments of free and democratic elections. This does not mean that this code was perfect. The truth is that this code should be enforced in conditions of an appropriate *infrastructure*. We are of the opinion that it was due to the reason that its enforcement during the elections of October 2000 faced difficulties and in some cases wrong or subjective interpretations. In its final report on "The elections

for Local Government” AHC treated issues of legal character in a separate chapter. These issues were related to the enforcement of this code, at the same time AHC came with respective recommendations.

The opposition required amendments of many articles in EC whereas position was more self-contained. Both parties submitted their arguments. The first debate was that of some delimitation which was finally approved by the Assembly. The Republic Party addressed the Constitutional Court. Their request was to render invalid and incompatible with the Constitution law no. 8746 dated 28.02.2001 on “On Determining Electoral Zones”. The Constitutional Court overlooked this request provided with the reason that the Constitutional concept “an approximate number of voters” is not the same and cannot be interpreted as “equal member of voters”.

Apart from the above, in May 2001 some political parties such as Social Democratic Party, Democratic Alliance Party, Party of Human Rights Union, Democratic Union Party and Democratic Party addressed a request to the Constitutional Court in which they asked for rendering invalid as anti-constitutional letters “ç” and “d” of article 66 and point 3 of article 87 of the EC.

The Constitutional Court which considered this issue on 31 May 2001 decided to render invalid as incompatible with the constitution only letter “d” of article 66 of the EC and particularly the part which says: “If one common candidate of two or more political parties which are not in coalition is elected deputy of one one-name zone, as an effect of letter “c” it is considered that his/her mandate is won by that party which has won the majority of votes at the country level during the first round, apart from the cases when the political parties have agreed otherwise.” Regarding this issue, the Constitutional Court reasons that the above disposition is in contrary to the principles sanctioned in article 1 point 3 and article 45 point 4 of the Constitution for local government based on equal elections and equal evaluation of the vote.

The possible amendments to the EC should as a rule be done before the elections preparations and not “in the middle of the game” as it were such as the electoral campaign or other phases of the electoral process. Nevertheless, the changes done were necessary. Such was the case with the appendix done to article 56 of the EC thus giving opportunity to each unregistered voter that based on the respective documentation could address himself to the court regarding his registration until 24 hours prior of the election’s day.

Article 97 was also amended. Point 6 was added to this article which makes obligatory dipping the left hand of the voter in a special substance. This prevented the voter to vote twice. Very rightly article 155 of the EC underwent changes as well which allows voting even with another ID equipped with a photo issued by the Office of Registrar. Quite rightly, Assembly changed articles 34 and 40 of the EC where it is spoken respectively about the right of the CEC to dismiss members of the ZEC and of LGEC in cases they do not fulfill their responsibilities foreseen in the EC and the normative acts of the CEC.

Conclusions of the electoral process

The voting process was a normal development and voters were free to vote for their chosen candidates or electoral subject. In isolated cases tensions were artificially created by commissioners themselves.

AHC is of the opinion that in the future elections a special attention should be paid to the establishment, training and functioning of the elections' commissions. Those electoral subjects which had the right to make propositions in those commissions should be more serious and committed to their responsibilities.

SOME SUGGESTIONS FOR FURTHER IMPROVEMENT OF THE ELECTORAL CODE

Despite of the latest changes to the Electoral Code as well as the instructions (according to the law) issued by the Central Electoral Commission (CEC), AHC suggests that after the elections of the 24th of June 2001 and based on the experience gained from the two latest elections, a group of experts should be set up in order to investigate the criticism addressed to certain disposition of the Electoral Code.

AHC is of the opinion that in particular the following should be discussed:

1. In point 1 of Article 72 of the Electoral Code (EC) it is said that "The Assembly can not change the delimitation recommended by the Commission". We are of the opinion that the Assembly should have this competence. This is in accordance with Article 68 of the EC.
2. In point 2 of Article 157 of the EC it is said that "in case the Assembly does not approve the Law regarding the Electoral Zones within the foreseen time limits as envisaged in point 1 of this article, the President of the Republic carries out the delimitation...". In fact the President of the Republic does not have this competence. An ordinary law cannot load the President with the competence which is not defined in the Constitution.
3. Despite of the fact that CEC has issued a special instruction according to which deadlines are set for the candidates to withdraw from the second round, AHC is of the opinion that this should be defined by law.
4. Regarding the deadline for submitting proposals for the establishment of the electoral commissions (Zone Election Commission (ZEC), Local Government Election Commission (LGEC) and Voting Center Commission (VCC)) should also be defined according to the law.
5. Despite of the fact that according to point 4 of article 2 of the EC the definition of the independent candidate is correct, this issue should be clearly and strictly defined in the law in order not to give way to political mechanizations as it happened during the elections of the 24th of June 2001. This can be foreseen in the respective disposition where it is spoken of the submission of the candidates, the approval or refusal of their registration.

6. The rights and the duties of the members of the elections' commission regarding signing the documents (the respective written records) should be better clarified. They should in no way hinder the normal development of the electoral process as well as the implementation of the legal deadlines.
7. There is reason enough in order to reconsider article 108 of the EC regarding the re-enumeration of the ballots. AHC is of the opinion that clear-cut criteria should be set concerning this process.
8. Regarding article 66, AHC thinks that its content is not understandable to all. Even to those who claim that this article is clear, different explanations are given. This is another reason that this disposition can be reconsidered.
9. Part 14 of the EC speaking about "transitory and last dispositions" should be reviewed.
10. Regarding article 141 of the EC, we are of the opinion that the reviewing deadlines of the Constitutional Court as a rule could be within 5 days, whereas for exceptions could be 10 days.
11. In point 2 of article 142 of the EC it could be better if the decision of the Court of Appeal was defined as of the final form, whereas as a rule the review of the issue by the Court of Appeal could have the duration of 3 days.
12. Article 143 of the Electoral Code which talks about the right of the voters to complain in the court has room for more accuracy and further clarification. It is observed that there is no complaints from voters during the last two elections although there have been cases that the voter has found out that his/her name is not in the list.
We emphasize that: here we are not talking about the right to address the court 24 hours prior of the voting day.
13. In point 5 of article 133 of the EC it is said that any kind of propaganda in favor or against a candidate or any other electoral subject by foreigners is prohibited. This disposition remains very formal if in cases of violations CEC does not react or does not draw attention to the respective electoral subjects. This holds true even for cases when CEC does not require the enforcement of this law by foreigners.
14. Regarding article 136 of the EC, AHC is of the opinion that complaints can be addressed not only by the electoral subjects to the National Council of Radio and Television (NCRT) but also NGOs engaged in monitoring the electronic media should have the opportunity to address its complaints to this body.
15. Regarding article 148 point 2 of the EC, it is not clear on what basis CEC grounds its administrative sanctions in cases of infringement of the respective regulations foreseen by this code. There are two different sources that from the private and public radio and television channels where CEC could operate with a monitoring group which is directly responsible for monitoring the electronic media and that of the information which could be provided by the NCRT.

Such kinds of violations have taken place during both the local and general elections of last and this year, but unfortunately, no measures have been taken.